Application Number	10/629,725	R	Applicant(s)/Patent under Reexamination  ARONSON ET AL.						
Document Code - DISQ	Internal Document – DO NOT MAIL								
TERMINAL DISCLAIMER			☐ DISAPPROVED						
Date Filed : January 16, 2006	This patent is subject to a Terminal Disclaimer								
Approved/Disapproved by:									
Henry D. Jefferson									

U.S. Patent and Trademark Office

#### T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:		•	23-Jan-06	APPL. S. N:	10629725	j					
To Exam	iner:		BAYARD, EMMANUAL	Art Unit	2631	J					
From			Jefferson, Henry PARALEGAL SPCECIALIST	Return This Memo To: ( Drop-Off Location	Case JEF-2D68	J					
SUBJEC	<b>T:</b> Decision	n on Terminal	Disclaimer(T.D.) filed:	,							
form par or have a	agraphs i any quest	dentified by th ions, please se	is informal memo in your in see me or the Special Progra	the results as set forth below. I next Office action to notify app am Examiner. THIS IS AN INFO ED OF RECORD IN THE APPLICA	licant of the T.D. If you disa DRMAL, INTERNAL MEMO ON	gree ILY.					
please in	itial, date	and return th	is memo to me. THANK YO	ou.							
<b>I</b>	The T.D.	is PROPER and	d has been recorded (see	14.23).							
	The T.D.	.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):									
		The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account									
		The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).									
		The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).									
		The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a termin portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).									
The person who signed the T.D.:											
		is no	ot an attorney "of record"	(see 14.29 and 14.29.01).							
		has	failed to state his/her capa	acity to sign for the business er	ntity (see 14.28).						
		is no	ot recognized as an officer	of the assignee (see 14.29 & p	ossible 14.29.02).						
		No documentary evidence of a chain of title from the original inventor(s) to assignee has been subm nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the frame number may be found in the T.D. or in a separate paper of record in the application (see 14.3									
The T.D. is no		The T.D. is no	ot signed (see 14.26 & 14.	26.03).							
			mber of the application (or ection is missing or incorre	the number of the patent) whi	ch forms the basis for the d	ouble					
		The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).									
		The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).									
		Other:				<u>\</u>					
		Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.									
i have ap	opropriate	ely notified app	olicant(s) of the status of t	he Terminal Disclaimer filed in	this case.						
Ex.Initial	s:	Date	2:		Log Date:						

# JAN 1 6 2006 P

## TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION

e application of: Aronson et al.

Assignee

: Finisar Corporation

Serial No.

: 10/629,725

For

Integrated Circuit with Dual Eye

**Openers** 

Filed

: July 28, 2003

Examiner

Emmanuel Bayard

**Group Art Unit** 

: 2638

### ASSISTANT COMMISSIONER OF PATENTS Washington, D.C. 20231

#### Dear Sir:

Assignee, through its attorney of record, represents that it is the owner of the entire interest in the above-identified patent application. Particularly, the above-identified application, as well as United States Patent Application Serial No. 10/629,302, which was filed on July 28, 2003 (the "302 Application"), are both divisions of US Patent Application Ser. No. 10/420,027 (the "027 Application) which is owned by the Assignee by virtue of the assignment recorded in the United States Patent and Trademark Office at Reel 014504, Frames 0930 through 0938 (a copy of which is attached hereto as Exhibit A).

In light of the foregoing, Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term of any patent issuing from '302 Application, as presently shortened by any terminal disclaimer. Assignee agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to it and the '302 Application (and any patent issuing therefrom) are commonly owned. The foregoing agreement by the Assignee runs with any patent granted on the above-identified application and is binding upon the grantor, its successors or assigns.

Assignee does not, however, disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of any patent issuing from the '302 Application in the event that such patent issuing from the '302 Application later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321(a); has all claims canceled by a reexamination certificate; or, is reissued or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

11/18/2006 RMEBRAHT

Docket No.15436.247.2.1.2 Date: January 16, 2006



Assignee hereby declares that all statements made herein of its own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated this 16 74 day of January, 2006.

Respectfully submitted,

WORKMAN NYDEGGER

Bv:

PETER F. MALENTR.
Registration No. 45,576
Attorney of Record
Customer No. 022013

Customer No.: 022913

Telephone No. 801-533-9800